

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KIERRA THOMAS, ET AL.

CIVIL ACTION

VERSUS

NO. 18-4373

RANDALL CHAMBERS, ET AL.

SECTION "R" (4)

ORDER AND REASONS

Before the Court is plaintiffs Kierra Thomas, Antoine Clark, and Shirley Harris's motion¹ to lift the Court's May 29, 2019 stay order.² Defendants Randall Chambers, God's Way Trucking, LLC, and Canal Insurance Company oppose the motion.³ The Court considers the motion below.

I. BACKGROUND

This case arises out of a 2017 motor-vehicle crash in Orleans Parish, Louisiana.⁴ On April 23, 2019, plaintiffs filed a motion to set expert fees, after a dispute regarding the fees owed to defendants' life-care planning

¹ R. Doc. 224.

² R. Doc. 220.

³ R. Doc. 225.

⁴ R. Doc. 1 ¶ 1.

expert, Stanford McNabb, for his attendance at a deposition.⁵ This Court referred plaintiffs' motion to Magistrate Judge Karen Wells Roby,⁶ who in turn granted oral argument on the motion.⁷

On May 29, 2019, while plaintiffs' motion was still pending, the Court stayed and administratively closed the case because the Court had received information that certain witnesses and/or counsel in the case were involved in an ongoing federal criminal investigation.⁸ The Court ordered that the stay "applies to *all aspects* of this litigation, including any pending motions currently before Magistrate Judge Roby."⁹ The order further stated that "[t]he matter may be reopened upon the motion of either party demonstrating that the criminal investigation has concluded, at which time a new trial date will be set."¹⁰

On June 29, 2021, plaintiffs moved to lift the stay, only as to the fee-dispute motion.¹¹ They represent that Stanford McNabb filed suit in state court against plaintiffs' counsel, her law firm, and plaintiffs, seeking the expert fees that were the subject of the dispute before Magistrate Judge Roby

⁵ R. Doc. 179.
⁶ R. Doc. 182.
⁷ R. Doc. 199.
⁸ R. Doc. 220 at 1.
⁹ *Id.* at 2.
¹⁰ *Id.*
¹¹ R. Doc. 224.

in this case.¹² Plaintiffs seek to lift the stay to have the fee dispute resolved in the federal case.¹³ Defendants oppose the motion on the grounds that the criminal investigation has not concluded.¹⁴

II. DISCUSSION

The Court's May 29, 2019 stay order provided that "th[e] stay applies to *all aspects* of this litigation, including any pending motions before Magistrate Judge Roby."¹⁵ The fee dispute underlying McNabb's state-court complaint was the subject of a motion pending before Magistrate Judge Roby at the time of the stay. The fee dispute arises out of discovery conducted in this case. Given that the stay order applied to "*all aspects* of this litigation, including . . . motions before Magistrate Judge Roby,"¹⁶ it clearly covered McNabb's expert-fee dispute with plaintiffs and their counsel. McNabb therefore circumvented the order by pursuing his fees in state court. The Court finds that the circumstances warrant lifting the stay so that the motion to set expert fees may be resolved. The motion does not concern the merits of this case, nor will its resolution compromise any party's rights in the

¹² R. Doc. 224-1 at 2.

¹³ *Id.* at 5.

¹⁴ R. Doc. 225 at 1, 5-6.

¹⁵ R. Doc. 220 at 2.

¹⁶ *Id.*

criminal case. It pertains merely to a collateral fee dispute, and can be reopened and resolved without undermining the reasons for the 2019 stay. The Court therefore grants plaintiff's motion, and lifts the stay only as to the motion to set expert fees¹⁷ pending before Magistrate Judge Roby.

III. CONCLUSION

For the foregoing reasons, the Court GRANTS plaintiffs' motion to partially lift the stay. The motion to set expert fees¹⁸ is hereby REOPENED. The Court requests that Magistrate Judge Roby consider the motion forthwith. All other aspects of the litigation shall remain stayed, pursuant to the Court's 2019 stay order.¹⁹

New Orleans, Louisiana, this 21st day of September, 2021.


SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

¹⁷ R. Doc. 179.

¹⁸ *Id.*

¹⁹ R. Doc. 220.